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10/709,755	05/26/2004	Timothy T. Achee JR.	68.0475	3754

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EXAMINER

COLLINS, GIOVANNA M

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/709,755
Filing Date: May 26, 2004
Appellant(s): ACHEE ET AL.

Dan C. Hu
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 8/8/06 appealing from the Office action
mailed 3/9/06.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,227,298	Patel	5-2001
6,302,216	Patel	10-2001

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-18,20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patel 6227298.

Claims 19,22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patel 6,227,298 in view of Patel 6,302,216.

(10) Response to Argument

The applicant has not rebutted the prima facie case of obvious nor has the applicant rebutted the Patel '298 reference. The applicant merely argues the examiners rejection does not meet the requirements of a prima facie case of obviousness. The MPEP states to establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. (MPEP 2143)

Referring to claims 1,9 and 20, the Patel '298 reference discloses (see fig. 1) an apparatus for use in a well having at least three completion zones (elements 20 and 22 and col. 2, lines 25-26), having sand control assemblies (156, 154) and a flow assembly

(assembly 18 shown in fig. 1) defining flow conduits (178 and 180) to respectively communicate with the zones, where one of the flow conduits (180) includes an annular path (see area at element 176) and flow control devices (valve 102 and 104 and see col. 3, lines 25-36) to respectively control the flow of the flow conduits. The Patel '298 reference does not specifically disclose a third sand control assembly, flow conduit, flow control device or a second annular flow path. However, the Patel '298 reference does disclose the apparatus can be used in a well having at least three zones (col. 2, lines 22-26) and the apparatus is used to have multiple isolated fluid paths (flow conduits) from different zones (col. 3, lines 38-44). In other words, the different fluid flow paths coming from each completion zone do not communicate with each other so that the zones can be isolated from one another. The Patel '298 reference discloses using an annular flow path (at 176) and a valve (104) to isolate the fluid flow path (180) flowing from the second zone (22) from the fluid flow path (178) flowing from the first zone (20). Patel '298 further discloses using sand control assemblies (154 and 156) to hold gravel packing in place at the first and second zones (col. 2, lines 59-60).

Therefore, It would be obvious to add an additional annular flow path and flow control device to isolate a fluid flow path flowing from a third zone from the fluid flow paths flowing from the first and second zones in order to ensure that the third zone isolated for the first and second zones and to have a third sand control assembly to hold gravel packing in place at a third zone. The examiner has shown a motivation to modify the reference (ensure the isolation of fluid flow coming from a third zone and holding gravel packing in place at a third zone), reasonable expectation of success (the reference has

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discloses using annular flow paths and valves in order to isolate fluid flow paths flowing from different zones), and the modified reference teaches or suggests all of the claimed limitations (sand control assemblies 156,154; flow conduits 178,189; flow control devices 102,104; and annular path at 176). Thus, the examiner has met the requirements for prima facie case of obviousness.

The applicant argues the examiner does not understand the complexities of the hardware associated with completing a well with multiple zones. However, the Patel '298 reference discloses using an sand control assembly, flow control devices, and annular flow path. It would stand to reason that one of ordinary skill in the art would be able to duplicate components that are already known. Moreover, the applicant does not argue that the Patel '298 reference does not disclose a sand control assembly, flow control devices, and annular flow path only that the examiner's rejection does not meet the requirements of a prima facie case of obviousness. However, as shown above, the examiner's rejection does meet the requirements of a prima facie case of obviousness.

The applicant requested a reference that would have suggested a modification of Patel '298 to achieve the claimed invention. The examiner has met the requirements of a prima facie case of obviousness with the Patel '298 reference. Therefore, a secondary reference is not necessary.

Referring to claims 19,22 and 23, the examiner has established a prima facie case of obviousness in the base claims. Therefore the rejection of claims 19,22 and 23 over Patel '298 in view of Patel '216 is still stands.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.


For the above reasons, it is believed that the rejections should be sustained.


Respectfully submitted,

Giovanna M. Collins

Conferees:

Djb 

mcp 


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